



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH
Docket No. 12497-10
4 Apr 11

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD ICO
[REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) CNRC memo 1133 Ser N322 of 24 Mar 11
(3) Subject's naval record

1. Pursuant to the provisions of reference (a) Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show enlistment in paygrade E-3, vice E-1.

2. The Board, consisting of Messrs. Exnicios, Pfeiffer, and Zsalman, reviewed Petitioner's allegations of error and injustice on 4 April 2011 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner was previously enlisted in paygrade E-3 under the provisions of the Nuclear Field Program. He was disenrolled from that program and subsequently reduced to paygrade E-1 effective on or about 8 September 2010.

c. In correspondence attached as enclosure (2), the office having cognizance over the subject matter addressed in Petitioner's application has commented to the effect that the request has merit and warrants favorable action.

CONCLUSION

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

RECOMMENDATION:

That Petitioner's naval record be corrected, where appropriate, to show that:

a. He was enlisted in paygrade E-3 effective 5 January 2010 (Active Duty Service Date). Petitioner met the advanced paygrade criteria based on college credits.

b. He was not reduced to paygrade E-1 on or about 8 September 2010, after disenrollment from the Nuclear Field Program, but continued in paygrade E-3 (Petitioner had previously been enlisted in paygrade E-3 based on the Nuclear Field Program).

c. NOTE: The change in the effective date of advancement to E-3 may also impact on Petitioner's E-4 advancement opportunity. If Petitioner was eligible for, but did not take an E-4 examination because the above change had not been made, the following procedures will apply to remediate that missed opportunity. Petitioner should take the next available E-4 advancement examination. Compare the Final Multiple Score (FMS) received on that examination with the FMS that was required for the "missed" examination. If the score received meets or exceeds the score that was previously required for advancement, Petitioner may reapply to this Board for consideration of advancement to E-4 retroactive to the date Petitioner would have been advanced on the "missed" examination cycle. A DD Form 149, a command endorsement/recommendation, and a copy of this letter must be included with the request. The Board will determine whether the request will be approved.

d. A copy of this Report of Proceedings will be filed in Petitioner's naval record.

4. It is certified that quorum was present at the Board's review and deliberations, and that the foregoing is a true complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


WILLIAM J. HESS, III
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

4 April 2011



W. DEAN PFEIFFER
Executive Director